


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

FILED

MAY 17 2005

  
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

PEDRO BALANDRAN,

Defendant.

CIV 04-30006-01

ORDER AND OPINION DENYING  
MOTION TO AMEND JUDGMENT

Defendant pleaded guilty to conspiracy to possess a controlled substance with intent to distribute and, on February 25, 2005, was sentenced to 135 months custody, four years supervised release, and a \$15,000 fine. He has filed a *pro se* motion (Doc. 263) to amend the judgment to waive the fine.

This Court's authority to amend a judgment is limited to the conditions set forth in Fed. R. Crim. P. 35 and 36. Rule 35 authorizes the district court to correct a sentence upon the government's motion for a reduction of sentence or within seven days after the imposition of sentence to correct for arithmetical, technical or other clear error. Rule 36 authorizes the district court to correct a clerical mistake in the judgment. Neither of these rules authorizes the amendment of the judgment sought by defendant.

Now, therefore,

IT IS ORDERED that the defendant's motion (Doc. 263) to amend the judgment is denied.

Dated this 17<sup>th</sup> day of May, 2005.

BY THE COURT:

  
CHARLES B. KORNMANN  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY: 

DEPUTY

(SEAL)